

Spheres of Influence

Two Steps Forward on Environmental Justice

For the nearly 180 members who make up the 8 Environmental Justice Interagency Task Forces that were formed with the signing of President Clinton's executive order on 11 February 1994, the task of sitting down and drawing up an environmental justice strategy plan has been, as one member put it, "a lot of hard work."

President Clinton's executive order, number 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," calls for each U.S. federal agency to develop programs and strategies to ensure that poor and minority communities no longer suffer from discriminatory environmental regulations or disparate environmental effects.

The executive order requires broad participation from each of the task forces and from the EPA's Environmental Justice Committee, formed under the Federal Advisory Committee Act (FACA). Each has taken on the responsibility of trying to get the executive order off the ground and implemented. Stephen Thacker, director of the Epidemiology Program Office of the Center for Disease Control, maintains that the amount of work required of each participating task force member is, "a major undertaking for us." Said Thacker, "There is a real ground swell of activism in the area of environmental justice, and it is quite relevant that we address this issue."

The executive order came about as a direct result of government representations, U.S. manufacturing industries, academia, civil rights organizations, national environmental groups, and public health officials coming together to listen and talk about the unequal treatment of poor, minority, and low-income communities as dumping grounds for toxic chemicals and waste materials.

The executive order's timeliness is important to many who want environmental justice considerations incorporated into laws, policies, and research. Many feel the executive order is a step forward and are encouraged. "The best thing to happen was the executive order," said a spokesperson in the EPA's Office of Environmental Justice. "We were waiting for an executive order or environmental legislation like this type. In the past there was an effort to bring about environmental justice based on good will. But you need more than good will to bring about environmental justice and a change."

"I think the community was expecting more of the Clinton/Gore administration than the previous administration," the EPA spokesperson said. "The previous administration had looked at the environmental justice issue; however, a thrust to push environmental justice to the forefront would have stayed at a snail's pace."

Still, some believe that environmental justice is an "unproven hypothesis." Many believe that environmental injustice does not exist, that the evidence is anecdotal. However, in some cases, such as lead poisoning and asthma, it is clear that environmental injustice does exist. The executive order has given the environmental justice movement some teeth and it has gotten other federal agencies involved.

"Whether we can get it to work is another thing," said Bunyan Bryant, an associate professor in the School of Natural Resources and Environment at the University of Michigan. Bryant called the February national symposium, "Health Research and Needs to Ensure Environmental Justice," "highly successful and highly participatory," but added, "we have to make sure that the Clinton administration keeps its time table and that the executive order is implemented. There is a lot of wiggle room in the order. The executive order can and will have a positive impact on those in a high-risk population," Bryant continued. "If it is implemented, it will have a profound impact on policy and how we do business in this country."

Task Forces

The federal agencies that have been designated to draw up an environmental justice plan include the Departments of Defense, Health and Human Services, Housing and Urban Development, Labor, Agriculture, Transportation, Justice, the Interior, Commerce, and Energy, and the EPA. Each of the eight Environmental Justice Interagency Task Forces has two co-chairs that direct the task force's work. The EPA, under the direction of Administrator Carol Browner, is the lead agency in making sure that the guidelines of the executive order are met. The eight task forces cover the areas of data, implementation, interagency projects, outreach, research and health, enforcement and compliance, Native Americans, and definitions and standards:

- The task force on *data* has 18 members and is co-chaired by Henry Falk, direc-

tor of the Environmental Hazards and Health Effects Division at the National Center for Environmental Health, and David Henry, programs and special projects chief of the Research and Special Programs Administration. Its goal is to locate current and appropriate data for other task forces and determine its relevance.

- The task force on *implementation* is made up of 20 members and is co-chaired by Clarice Gaylord, director of the Office of Environmental Justice of the EPA, and Wendell Stills, policy analyst for the Council on Environmental Quality. Its goal is to help agencies develop environmental justice strategies.

- The task force on *interagency projects* has 12 members and is co-chaired by Dick Broun, director of the Office of Environment and Energy, Department of Housing and Urban Development, and Grace Crunican, deputy administrator of the Federal Transit Administration, Department of Transportation. Its goal is to evaluate interagency projects and determine which are most promising.

- The task force on *outreach* has 24 members and is co-chaired by Corlis Moody, director of the Office of Economic Impact and Diversity, Department of Energy, and Tad McCall, deputy assistant secretary of Air Force, Environment, Safety, and Occupational Health, Department of Defense. Its goal is to determine how to coordinate outreach with other federal agencies.

- The task force on *research and health* has 20 members and is co-chaired by Kenneth Olden, director of the NIEHS, and Richard Hayes, deputy assistant secretary for the Occupational Safety and Health Administration, Department of Labor. Its goal is to include more minorities, women, children, and poor people in clinical studies, and to obtain demographic data of these populations, so that they can be included in epidemiology studies.

- The task force on *enforcement and compliance* is made up of 16 members and is co-chaired by Gerald Torres, counsel to the attorney general, Department of Justice, and Antonio Califa, director of the the Office of Civil Rights, Department of Transportation. Its goal is to ensure that the goals of the executive order are carried out.

- The task force on *Native Americans* has 12 members and is co-chaired by Faith Roessel, deputy assistant secretary of the Bureau of Indian Affairs, Department of the Interior, and Elwood Patawa, Native

American program director, Office of Public Affairs/Communications, Department of Agriculture. Its goal is to identify and address Native American issues.

• The task force on *definitions and standards* has 12 members and is co-chaired by Gerald Torres, counsel to the attorney general, Department of Justice, and Jean Nelson, General Counsel, EPA. Its goal is to incorporate Title VI of the Civil Rights Act of 1964 and other legal theories in determining appropriate environmental justice strategies.

Slow Starting

There have been some delays in getting started. The executive order is structured so that each task force follows specific time guidelines. From its inception, the eight task forces have attempted to follow a four-to six-month time table for drawing up an environmental justice strategy to present to the EPA.

The task forces met on May 3 with EPA Administrator Carol Browner. "Their delay in having a meeting," said a member of the Council on Environmental Quality, "has to do with the task forces. They do not have a clear understanding of what environmental justice is. There has not been an honest discussion of what environmental justice means and what it means to an agency. And there has been poor coordination and poor planning on the part of the White House and the EPA."

Not all members have been this critical of the process. One task force member stated that the main problem in coming up with a strategy is lack of direction and a failure to recognize an agency's role in combating the problem. Some of the task forces are attempting to overcome this initial obstacle.

The task force on outreach has provided its members with a five-minute videotape on the subject of environmental injustice and how it occurs. As a member of the task force put it, "We have to help some members on our task force because some are hearing the term [environmental justice] for the very first time."

Kenneth Olden, co-chair of the task force on research and health, said that at his first task force meeting, an overview and background on environmental justice was given to group members. "We also had a review of what the executive order is all about. I let task force members know that the executive order focuses on regulatory policies as well as human health and environmental diversity," Olden said.

The executive order calls for all federal agencies to participate and requires that agencies hold public meetings. "To really open up the door on environmental justice issues, there needs to be a public meeting or open forum for an exchange of ideas," a

Justice Symposium Summary

The executive summary of the "Health Research and Needs to Ensure Environmental Justice" symposium held in February lists 300 recommendations for the federal government and environmental justice groups to promote and achieve environmental justice. The recommendations were compiled by the 20 core groups who gathered at the symposium. "The recommendations are very broad," said Jerry Poje, a toxicologist with the NIEHS and one of the symposium's co-facilitators. "We tried to synthesize the most vibrant recommendations," Poje said. "The first twenty-nine were recommendations which were being said over and over again." Poje said that the recommendations will have to be reinterpreted from year to year to ensure that they meet the communities' needs. The recommendations include:

Have meaningful health research to support minority, poor, and low-income communities:

1. Develop new models for occupational and environmental science research which would actively involve communities at risk in the planning, conduct, and analysis of research.
2. Make sure that the research is ethical and socially responsible.
3. Develop new molecular technologies that would serve workers who work in high-risk occupations or live in high-risk communities.
4. Create health research centers for high-risk workers or people who live in high-risk communities.
5. Create forums so that broad participation can take place.

Develop a disease and pollution prevention plan:

1. Ask for the Department of Health and Human Services to provide additional funds so that Public Health Service agencies such as ATSDR, CDC, NIEHS, and NIOSH can address the issue of environmental and occupational diseases for people who live and work in high-risk communities.
2. Make high-risk community residents aware of other model communities where there has been a successful effort to remove environmental pollutants.
3. Ask the EPA to support networks that promote less-polluting technologies.
4. Make money available to help workers and communities make transitions when plants shut down.

Promote broad participation through interagency cooperation:

1. Train staff to be more sensitive to people who are not aware of environmental injustice. Agencies should help people who live in high-risk communities know that there is help available.
2. Hold training workshops and seminars to develop a interagency relationships.

Provide an effective outreach and education communication plan:

1. Visit affected communities and discuss the agency's strategy to promote environmental justice.
2. Promote research and education at Historically Black Colleges and Universities and other minority institutions.
3. Increase participation of religious groups, the media and legislative staff in health and environmental justice issues.
4. Ensure that environmental justice is part of research and training grants at agencies such as ATSDR, CDC, DOE, EPA, and NIEHS.
5. Educate and train people and communities to help them understand the connection between pollution and health.
6. Change government so that employees are more responsive to community needs.

Provide legislative and legal remedies:

1. Strengthen protection laws so that agencies can identify problems to protect at-risk communities.
2. Make use of Title VI of the Civil Rights Act of 1964 in bringing about environmental justice.
3. Enforce legislation so that it provides equal protection of the law for all individuals who have experienced environmental problems.
4. Strengthen legislation to provide better protection for at-risk populations.

task force member said. "Broader participation is needed. We want to see more discussion from the community. We do not want to have another meeting like the one in February, where there was so much anger and venting."

On July 20, the EPA's Subcommittee on Policy and Coordination met at the EPA headquarters in Washington, DC. It was the second gathering where co-chairs of the eight Environmental Justice Interagency Task Forces and representatives from the White House met to give the EPA an update on what they were doing to develop an environmental justice strategy. By December 11, each federal agency must present a draft of a proposed environmental justice strategy plan to the subcommittee.

Kathy Aterno, deputy assistant administrator for Administration and Management of the EPA, who chaired the meeting, called the gathering "a learning process for the agencies." Said Aterno, "The co-chairs have different levels of expertise, and they bring unique experiences to the environmental justice task forces. Most want to improve the public participation process in getting the executive order implemented," Aterno continued. "I am extremely excited about the progress of the agencies and the committee meeting. Seventeen agencies are working together, and this meeting was a way to determine what agencies need help on."

EPA Input

A 23-member group was formed under the FACA to advise the EPA on environmental justice issues. The committee, called the National Environmental Justice Advisory Council (NEJAC), was invited to advise the interagency task forces.

NEJAC's members were selected by self-nomination or nomination by an organization. Almost 200 individuals were

nominated to join the committee. "We were looking for a broad representation of people," Aterno said. "Each member has either a long history of working with environmental justice groups or were experts on the issue. Some had written books on environmental justice. When looking for FACA committee members, we wanted to have gender balance, as well as organizational and geographic balance."

Some of the members include Robert D. Bullard, Ware Professor of Sociology and director of the Environmental Justice Resource Center at Clark Atlanta University; Bunyan Bryant, an associate professor at the University of Michigan in Ann Arbor; Herman Ellis of Rohm and Haas Company in Bristol, Pennsylvania; Michael Pierle, of the Monsanto Company in St. Louis; Jane Delgado, president of the National Coalition of Hispanic Health and Human Service Organization in Washington, DC; Charles Lee, the director of research for the Commission on Racial Justice at the United Church of Christ in New York; Delores Herrera, director of the San Jose Community Awareness Council in Albuquerque, New Mexico; and Peggy Saika of the Asian Pacific Environment Network in Oakland, California.

John Hall, chair of the Texas Natural Resources Commission, had been appointed chair of NEJAC by the EPA, but he recently resigned following criticism from community activists who say the council should not be guided by the EPA. Community activists argue that their battles involve state decisions, and the EPA should not make decisions for the group. The group voted at a meeting in August to recommend a new chair, Richard Moore of the Southwest Network for Environmental and Economic Justice. Browner is expected to accept the recommendation.

Although the controversy over who will control the agenda of the group has caused

a slow start, according to Lee, the council has been using its time well. "Our first meeting on May 20 in Washington, DC, was very productive," he said. "A lot was articulated; however, we are not clear yet as to where we are going. We will have a lot of work to do."

Four new subcommittees for NEJAC were formed during its meeting in May. They include the subcommittee on waste and facility site location, the subcommittee on health and research, the subcommittee on public participation and accountability, and the subcommittee on enforcement. Two more subcommittees on Native American and indigenous people and international issues were established at the August meeting. There has also been a proposal to add two additional members to the council. The next meeting will be held in late October or early November.

While Lee and other NEJAC members like the idea of the executive order, many still believe that there needs to be more broad participation and input from other groups. "Farm workers are not represented in NEJAC, and there is no community activist from the Deep South. The council also needs more grass-roots organization involvement," Lee said.

Bryant believes that the executive order signed by Clinton is a good idea, but cautions that civil rights groups and environmental groups shouldn't make mistakes like in the 1960s. "We rolled down our sleeves and thought we were finished, once civil rights legislation was passed," he said. "In reality, our job was just beginning. The same is true with environmental justice. It rests now on our shoulders."

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